

Notice of Allowability

Application No.

10/702,414

Applicant(s)

LUU ET AL.

Examiner

Eric Hug

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Interview Summary of June 28, 2007.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Interview Summary

The following is in response to the interview with Michael Ferrell on June 28, 2007.

Arguments presented during the interview have been considered. Applicant's arguments filed November 13, 2006 and the declaration by Phuong Van Luu filed therewith have been reconsidered.

In the Office Action of February 6, 2007, claims 1-17 were rejected as a Final Rejection under 35 U.S.C. 103(a) over McConnell et al (US 6,758,943). For reasons given below this rejection has been withdrawn.

The rejection over McConnell was based on the application of a wax dispersion to fibers during the papermaking process, which was deemed to read on the claimed "wetting at least one surface of a web". Upon reconsideration, McConnell discloses that the wax dispersion is added to the wet end of a papermaking process before a web is formed without subsequent melting of the wax after the web is formed, therefore does not read on the claimed steps of applying a wax dispersion to a web and heating the web above the melting temperature of the wax to fuse the wax to the surface of the web.

The rejection over McConnell was also based on the presumption that the wax dispersions of McConnell were the same as the present invention and would melt on the surface of the web during the drying and curing process. US 6,332,952 to Hsu et al. (with McConnell as a co-inventor) discloses the same wax dispersions as McConnell above. Hsu further discloses that the wax dispersions are of the types disclosed in Krzysik et al., US 6,287,581. Krzysik was applied in the Office Action of May 2, 2006 and later withdrawn as disclosing dissimilar wax dispersions having high melting points.

Allowable Subject Matter

Claims 1-20 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not disclose or suggest a method of making an absorbent cellulosic web or tissue product including the steps of wetting at least one surface of a web with an aqueous dispersion including a wax and an emulsifier and heating the web above the melting temperature of the wax to fuse the wax of the dispersion and to provide a hydrophobic surface on the web, the wax being disposed in the web so that the hydrophobic surface of the web exhibits a moisture penetration delay of at least 2 seconds.

McConnell (US 6,758,943), applied previously, and Hsu (US 6,332,952), cited herein, represent the closest prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hsu (US 6,332,952) discloses applying repellant agents including wax emulsions to an exterior surface of a multi-layer tissue product.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Eric Hug
Primary Examiner